

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DODO INTERNATIONAL, INC., *et al.*,

Plaintiffs,

v.

RICHARD PARKER, *et al.*,

Defendants.

CASE NO. C20-1116-JCC

ORDER

This matter comes before the Court on Plaintiffs' motions for substitute service (Dkt. Nos. 8, 14, 15). Having considered the motions and the relevant record, the Court hereby DENIES the motions for the reasons explained herein.

Plaintiffs' motions describe difficulty serving various Defendants and request that the Court allow Plaintiffs to serve those Defendants by mail or e-mail. (*See* Dkt. Nos. 8, 14, 15.) Although the motions purport to request similar relief, each cites different authority, much of which does not exist or the Court cannot identify, and none of which entitles Plaintiffs to the relief they request. Accordingly, the Court DENIES the motions.

Plaintiffs' first motion requests that the Court allow Plaintiffs to "serve the Defendants by mail to their home mailing address." (*See* Dkt. No. 8 at 3.) The proposed order clarifies that Plaintiffs request that the Court hold that service will be proper if Plaintiffs attach the summons and complaint to the door and mail an additional copy to Defendants. (*See* Dkt. No. 8-1 at 2-3.)

1 The only authority Plaintiffs cite is Federal Rule of Civil Procedure 60(e)(3), which does not
2 exist. And Rule 60(e) does not address service. The proposed order refers to “Rule 107, Rules of
3 Civil Procedure,” (*see* Dkt. No. 8-1 at 3), but the Federal Rules of Civil Procedure do not contain
4 a Rule 107. Accordingly, the Court DENIES the motion because it does not provide the Court
5 with any authority showing Plaintiffs are entitled to the relief they request.

6 Plaintiffs’ second motion (Dkt. No. 14) suffers from the same defects. In addition,
7 although it purports to request the same relief as the first motion (with respect to different
8 Defendants), it cites “Washington State Court Rule” 60(e)(3) and RCW 4.28.080(17), along with
9 Federal Rule of Civil Procedure 60(e)(3). There is no single set of state court rules in
10 Washington, and no set of rules entitled “Washington State Court Rules,” so the Court cannot
11 identify the state court rule Plaintiffs cite. To the extent Plaintiffs refer to Washington Superior
12 Court Civil Rule 60(e)(3), that rule does not address service of the summons and complaint; it
13 addresses service of a motion for relief from a judgment or order. *See id.* Further, that rule
14 authorizes service by publication followed by a mailed copy of the documents; it does not
15 authorize attaching the documents to the door. *See id.* Therefore, it does not entitle Plaintiffs to
16 the relief they seek. The same is true of the statute Plaintiffs cite, which requires “leaving a copy
17 [of the summons] at [a defendant’s] usual mailing address with a person of suitable age and
18 discretion who is a resident, proprietor, or agent thereof.” Wash. Rev. Code § 4.28.080(17). The
19 statute does not authorize attaching the documents to the door. *See id.* Accordingly, Plaintiffs’
20 second motion (Dkt. No. 14) is DENIED.

21 Plaintiffs’ third motion (Dkt. No. 15), which is upside down, cites some of the same
22 authority addressed above and also cites Federal Rule of Civil Procedure 5(b)(2)(E). Unlike the
23 other two motions, this motion requests that the Court authorize service by e-mail. (*See* Dkt. No.
24 15 at 3.) But service of the summons and complaint is governed by Rule 4, not Rule 5. *See* Fed.
25 R. Civ. P. 4. Further, even if it did apply, Rule 5 authorizes service by electronic means only if
26 the other party consents in writing. *See* Fed. R. Civ. P. 5(b)(2)(E). There is no evidence of that

1 here. Therefore, this motion is also DENIED.

2 DATED this 9th day of October 2020.

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6 John C. Coughenour
7 UNITED STATES DISTRICT JUDGE
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